

BEFORE THE BOARD OF HORSE RACING
DEPARTMENT OF LIVESTOCK
STATE OF MONTANA

In the matter of the proposed)	NOTICE OF PROPOSED
amendment of ARM 32.28.709,)	AMENDMENT
32.28.801, and 32.28.1906)	
pertaining to horse racing)	NO PUBLIC HEARING
)	CONTEMPLATED

TO: All Concerned Persons

1. On December 21, 2007, the Board of Horse Racing proposes to amend the above-stated rules.

2. The Board of Horse Racing will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Horse Racing no later than 5:00 p.m. on December 12, 2007 to advise us of the nature of the accommodation that you need. Please contact Marlys Stark, P.O. Box 200512, Helena, MT 59620-0512; phone (406) 444-4287; TTD number: 1-800-253-4091; fax: (406) 444-4305; e-mail: mstark@mt.gov.

3. The rules as proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

32.28.709 PONY PERSONS (1) remains the same.

(2) No pony person or outrider shall pony or parade any horse on the track without wearing a protective helmet and boots with heels. ~~Each pony person must wear a safety vest when riding on the track. The safety vest shall be designed to provide shock absorbing protection to the upper body.~~

(3) through (5) remain the same.

AUTH: 23-4-104, 23-4-202, MCA

IMP: 23-4-104, MCA

REASON: The proposed rule change is necessary to eliminate the requirement that safety vests be worn by pony persons and outriders. The board received several requests from licensed pony persons to eliminate the safety vest requirement due to extreme discomfort and dangerous health conditions experienced by the riders when wearing a safety vest in hot summer conditions. The shock absorption safety value of the vest is offset by the danger of heat exhaustion to the riders. The board has determined it will not require the safety vests on pony persons or outriders, but will allow a licensee to choose to wear the equipment on an individual basis.

32.28.801 GENERAL REQUIREMENTS (1) through (6) remain the same.

(7) A sum equal to 10% of the first place money of every purse won by a Montana bred horse shall be paid to the board for a breeder bonus and an equal sum shall be paid to the board for an owner bonus. ~~breeder of such horse.~~ Such amount shall be paid within 14 days from the date the race is won. The board shall distribute the bonuses to the appropriate breeders and owners within 30 days of the end of the race meet in which the bonus was earned. Such amount shall not be deducted from the advertised purse. Only the money contributed by the licensee conducting the race meet may be considered in computing the bonus.

(8) through (65) remain the same.

AUTH: 23-4-104, 23-4-202, MCA

IMP: 23-4-104, 23-4-202, 23-4-204, 23-4-301, MCA

REASON: The proposed amendment to (7) will make the rule language consistent with ARM 32.28.503 on method of payment of breeder and owner bonuses. Due to an oversight, this section was not changed to be consistent with the owner and breeder bonus rule (ARM 32.28.503) when it was implemented in 2004. This amendment will correct the language inconsistencies.

32.28.1906 CONDUCT OF MATCH BRONC RIDES (1) through (9) remain the same.

(10) All scores of qualified rides shall be announced without delay. ~~Any announcement of scores shall be deemed official.~~ Any change in score announced must be approved by the stewards. The announcer must announce accurately the information received from the judges, compiled by the rodeo secretary, and approved by the stewards.

(11) and (12) remain the same.

(13) If the judges determine a rider is eligible for a reride, the entry will be considered a scratch for parimutuel wagering payout calculations. ~~All parimutuel wagers on the scratched entry shall be refunded.~~

(14) remains the same.

AUTH: 23-4-104, 23-4-202, MCA

IMP: 23-4-101, 23-4-105, 23-4-202, MCA

REASON: The proposed amendments will clarify procedures for match bronc parimutuel wagering. The proposed amendments are necessary to address some problems encountered during the first match bronc parimutuel event in 2007 in Miles City. Section (10) will allow changes to the announced scores with approval of the stewards, to allow for correction of mistakes such as a case where a judge submits an erroneous score sheet and then later discovers the error. Section (13) will delete the wording which requires refunds of wagers on scratched entries, because the tote system cannot make scratch refund calculations. The proposed amendment will make a scratch situation in bronc riding more similar to horse racing situations where a horse fails to finish, and the wager amount cannot be refunded.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to Board of Horse Racing, Attn. Marlys Stark, P.O. Box 200512, Helena, MT 59620-0512, by faxing to (406) 444-4305, or by e-mailing to mstark@mt.gov to be received no later than 5:00 p.m., December 19, 2007.

5. If persons who are directly affected by the proposed amendments wish to express their data, views, or arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments they have to the same address as above. The request for hearing and comments must be received no later than 5:00 p.m., December 19, 2007.

6. If the board receives a request for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 130, based on the 1,300 licensees in Montana.

7. An electronic copy of this proposal notice is available through the department's web site at <http://mt.gov/liv/default.asp>.

8. The Board of Horse Racing maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding the Board of Horse Racing. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed to Marlys Stark, Board of Horse Racing, Department of Livestock, P.O. Box 200512, Helena, MT 59620-0512, faxed to (406) 444-4305, or e-mailed to mstark@mt.gov.

9. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

BOARD OF HORSE RACING
DEPARTMENT OF LIVESTOCK

/s/ Christian Mackay
Christian Mackay
Executive Officer
Department of Livestock

/s/ Carol Grell Morris
Carol Grell Morris
Rule Reviewer

Certified to the Secretary of State November 13, 2007.